



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

AUG 17 2012

8ENF-UFO

CERTIFIED MAIL – 7009 3410 0000 2597 4762 – RETURN RECEIPT REQUESTED

J. Lloyd Dean, President & Registered Agent  
Basin Western, Inc.  
3639 E. Highway 40  
PO Box 877  
Ballard, UT 84066

Re: Clean Water Act, Section 308 Information Request  
NRC Report #s: 993440, 993452, 993678

Dear Mr. Dean:

The Environmental Protection Agency (EPA) is investigating the status of a release of crude oil that occurred on or about October 24, 2011, on Highway 141, at mile marker 128, roughly 30 miles south of Grand Junction and approximately 10 miles east of Gateway, Mesa County, Colorado. The report we received indicated that the vehicle from which the release occurred is owned and/or operated by Basin Western, Inc. Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318 *et seq.*, the EPA has the authority to request information pertinent to carrying out its responsibilities under the CWA.

To officially confirm this information, I am requesting, pursuant to the above referenced statutory authority, that you complete the enclosed Request for Information for the discharge. Please answer each question on the enclosure, or indicate in writing that no release occurred. The Request for Information Certification Statement must be signed by a duly authorized official of your company.

Although the information requested must be submitted to the EPA, you may be entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Failure to comply with the requirements of the Section 308 Information Request may result in your liability for statutory civil penalties for each violation under Section 309(d) of the Act, as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court for the district of Colorado may impose such penalties if, after notice and opportunity for a hearing, the court determines that you have failed to comply with the terms of the Information Request. Although the statute provides the court with the authority to impose a civil penalty of up to \$37,500 per day, in determining the amount of any

penalty the court will consider the seriousness of your violations, your economic benefit (if any) resulting from the violations, any history you may have of such violations, any good faith efforts you have made to comply with legal requirements, the economic impact a penalty may have upon you, and such other matters as justice may require. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the Clean Water Act.

Please be further advised that the submission of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, of 1980, as amended, 44 U.S.C. § 3501, et seq.

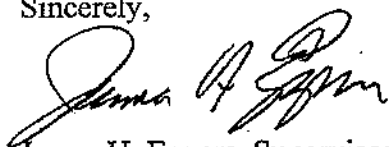
Enclosed with this letter is a Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet, *U.S. EPA Small Business Resources*, containing information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate your responsibility to comply with the Clean Water Act or respond to this Information Request, nor does it create any new rights or defenses under law.

Your response to the information request must be submitted within thirty (30) days of receipt of this letter to:

U. S. Environmental Protection Agency, Region 8  
Christopher Ajayi (8ENF-UFO)  
1595 Wynkoop Street  
Denver, CO 80202-1129

Mr. Ajayi can assist you with any questions regarding this Information Request; he may be reached at 1-800-227-8917 ext. 6320 or (303) 312-6320. When calling, please refer to your company's name and the NRC Report number. An electronic version of the Information Request is available. Contact Mr. Ajayi at the number above or at [ajayi.christopher@epa.gov](mailto:ajayi.christopher@epa.gov) for a copy.

Sincerely,



James H. Eppers, Supervisory Attorney  
Regulatory Enforcement Unit  
Legal Enforcement Program

Sincerely,



Darcy O'Connor, Acting Director  
UIC/FIFRA/OPA Technical Enforcement  
Program

Enclosures

- Information Request
- Statement of Certification Form
- Small Business Resources Information Sheet

### INFORMATION REQUEST

This information is requested pursuant to Section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318(a). This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

*Instructions: Provide a separate narrative response to each and every question and subpart of a question set forth in this Request for Information. Precede each answer with the number of the question to which it corresponds. If the question is not applicable to the incident, please indicate N/A. The Statement of Certification must be signed by a responsible official of the owner or operator. If you wish to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2 covering any portion of the information submitted, you must assert such claim at the time you submit your response. You may assert such claim by including a stamped or typed notice employing language such as "Company Confidential," "Trade Secret," "Proprietary," etc. If EPA determines the information you have designated meets the criteria in 40 C.F.R. Part 2, § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.*

1. Describe the vehicle from which the oil, pollutant, or contaminant was released, discharged or spilled, including the make, model, and year of the vehicle.
2. State the type and total capacity of the vehicle, container or equipment from which the oil was released. This means all containers, including tanks, totes, barrels, which contain any kind of oil. State the capacity, not actual amounts of oil contained. (Note: Oil means petroleum oils, including gasoline, diesel, jet fuel, asphalt, kerosene, motor oil, hydraulic oil, waste oil, crude oil, animal and fish oils, vegetable oils, synthetic oils or any other kind of oil.)
3. Provide the name and street address of the owner(s) of the vehicle described above at the time of the discharge, including Dun & Bradstreet number. Also, provide the names and current addresses of any parent corporations.
4. State what type of business unit (e.g., corporation, partnership, LLC) owned and/or operated the vehicle at the time of the discharge.
  - a. In what state was the business unit incorporated or organized?
  - b. State the name of the owner, CEO, president or other chief official of the company.
5. Provide the name and address of the operator of the vehicle described above if different from the name and address of the owner at the time of the incident. Describe the relationship between the owner and operator (e.g., employee, subcontractor, lessee).
6. State the time and date of the oil discharge(s) and how this was determined.
  - a. State the time and date the discharge was discovered.
  - b. State how and by whom the discharge was discovered.

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- c. State how many days the discharge continued.
  - d. State the weather conditions at the time of the discharge, including temperature, precipitation, cloud cover, etc.
7. State the type of all oils released, including the chemical name, formula, and specific gravity. Include copies of the Material Safety Data Sheets if available.
- a. If the material discharged was a mixture, give the percentages of substances in the mixture or solution.
  - b. List those oils that were released which are specifically listed or designated as hazardous substances in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, Section 101(14).
8. State the quantity of each oil that was released and how the quantity released was determined.
9. Provide details on the specific location of the release, including:
- a. the latitude, longitude, datum, county and state.
  - b. the street address and city, if applicable.
  - c. the township, range, quarter-sections and fractions for rural areas.
10. Include copies of the analyses of any samples of the discharged oil(s) collected and analyzed. Include a description of the locations from which the samples were collected including, latitude, longitude and datum; the date and time the samples were collected; the individual who collected the samples; and the name of the laboratory which conducted the analyses.
11. Did the oil reach or threaten any waterway (e.g., river, creek, intermittent stream, ditch, pond, lake, gully, mudflat), including any wetlands, marshes or sewers?
- a. If yes, describe the waterway reached or threatened by the oil, including its width and depth, whether water was present, the flow direction, and the condition at time of discharge (e.g., low, flooded, quiet, turbulent).
  - b. Describe the pathway(s) of migration of the oil from the vehicle. Include a drawing or sketch of the discharge site showing the location of the vehicle and the extent of the discharge, diagrams, and topographic or other maps.
  - c. Describe the location of the waterway in relation to the vehicle responsible for the discharge (e.g., distance, direction, elevation).

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- d. State the nature and quantity of oil reaching the water described above and how that was determined.
  - e. State the quantity of oil which did not reach the waterway described above and how that quantity was determined.
  - f. Describe any film, sheen, discoloration, or iridescent appearance on the surface of any water or adjoining shorelines caused by the discharge. Provide the name and title of the person making the observation.
  - g. Describe any sludge or emulsion deposited on the adjoining shorelines or beneath the surface of the waters described above. Provide the name and title of the person making the observation.
  - h. State how long any oil, sludge or emulsion remained in the waterway and/or on the adjoining shoreline.
  - i. State when the cleanup operations were considered complete and all substances removed from any waterway and/or adjoining shoreline.
12. State the uses of the waterway (e.g., drinking water, agriculture, ranching, recreation, commerce).
13. Describe and name the waters to which the affected waterway is connected or flows into, include their uses.
14. Describe any damage to:
- a. animal life, including the number and species of injured or dead fish, birds, animals, insects, etc.
  - b. vegetation, including how many feet, acres, or miles of land were affected and the type of vegetation affected (e.g., crops, timber, forest, prairie grasses, scrub).
15. List and describe any sensitive environments (e.g. wildlife habitats or refuges, endangered species, water wells, or drinking water intakes) in the area. State the location and distance of each from the spill.
16. Provide the date and time the discharge was controlled.
- a. Describe the steps taken to control and clean up the release, including dates and times of each measure.
  - b. Describe the steps taken to mitigate any environmental damage.
17. Was an Agent (e.g. dispersant, bioremediation agent, surfactant) used? If it was, provide the following:

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- a. the name of Agent(s) applied.
  - b. the date(s) and time(s) each Agent was applied.
  - c. the latitude, longitude and datum of each location where the Agent was applied, and/or provide a map indicating the locations of all applications.
  - d. the method of application and amount of each Agent applied.
  - e. the name of the person(s) who applied the Agent and their relationship(s) to the owner and/or operator of the vehicle.
18. Was the permission from a Federal On-Scene Coordinator (OSC) granted before the application of any Agent? If so, what is the name of the person who provided this permission, and on what date was it provided?
19. Describe in detail the cause (e.g., equipment failure, operator error, inadequate procedures, maintenance) of the incident.
- a. Describe the events leading up to the incident.
  - b. Describe any measures taken to prevent any future discharges from this source.
20. Provide the cost to your company for spill cleanup and site remediation.
21. Provide all information relating to the inspection and the maintenance of the vehicle involved in the discharge.
22. List the federal, state, tribal, and/or local agencies to which the incident was reported.
- a. Indicate the date and time of notification for each official contacted.
  - b. Give the name, phone number and address of any officials and/or their representatives who were present at the discharge site.
23. Describe any penalty assessed for this incident by any government entity. Provide the name of the agency, amount of the penalty, and the date assessed.
24. Does the vehicle have a Spill Prevention Control and Countermeasure (SPCC) Plan? If so, send a copy of the SPCC Plan.
25. Provide any additional pertinent information, reports, photographs, etc. that you have related to this discharge and the vehicle. Please submit color photographs, or color photocopies of photos. If you have any of the following documentation in your possession, submit copies.

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- a. USGS topographic maps (of the facility and of the discharge),
  - b. Geographic Information System (GIS) maps or data,
  - c. Aerial photography, both current and historical,
  - d. Hydrologic flow and fate or transport models,
  - e. Wetland and stream functional models,
  - f. Stream profiles and culvert sizes,
  - g. Stream gauge data,
  - h. Precipitation records.
26. List your name, address, phone number, and relationship to the owner or operator of the vehicle involved in the discharge.





**STATEMENT OF CERTIFICATION**

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

For: Basin Western, Inc.

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Signature

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Date

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Name

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Title

